

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-316-C - ORDER NO. 2005-176
APRIL 8, 2005

IN RE: Petition of BellSouth Telecommunications,)	ORDER REQUESTING
Inc. to Establish Generic Docket to Consider)	ADDITIONAL BRIEFING
Amendments to Interconnection Agreements)	AND NEW PROPOSED
Resulting from Changes of Law.)	ORDERS

This matter comes before the Public Service Commission of South Carolina (“Commission”) for general discussion of the oral arguments held in this Docket on March 10, 2005. As a result of this discussion, we request further briefing and proposed orders from the parties to this matter as indicated below.

It should be noted that the Commission and parties recently received information that the United States District Court for the Northern District of Georgia ruled in favor of a preliminary injunction against enforcement of the Georgia Public Service Commission’s Order addressing the “new adds” provisions of the Federal Communications Commission’s (“FCC’s”) Triennial Review Remand Order (“TRRO”). As of 1:00 p.m. on April 5, 2005, no written order had been issued in the case.

This Commission is interested in studying the Court’s rationale in its decision to enjoin enforcement of the Georgia Public Service Commission’s Order and the potential impacts that such a ruling may have, since the reasoning of the Georgia Public Service Commission’s Order was an issue of some consequence in the oral arguments before this Commission on March 10, 2005.

Further, this Commission is attempting to work within the current deadline set by BellSouth Telecommunications, Inc. (“BellSouth”) in its Carrier Notification of March 7, 2005, in which BellSouth set an implementation deadline of April 17, 2005. However, the Commission also recognizes the difficulty in asking the parties to brief the issue of the Georgia Federal District Court’s ruling when no written ruling had been issued by that Court at the time of the discussion before the Commission. Absent a further extension of BellSouth’s implementation deadline, the parties may again find themselves on a compressed briefing schedule.

In addition, since the time of the March 10, 2005, oral arguments before the Commission, several states have issued orders regarding the TRRO’s impact, and copies of at least some of these rulings have been filed with the Commission and provided to the parties by BellSouth.

Accordingly, this Commission invites the parties to this case to further brief and submit further proposed orders regarding the impact of the ruling of the United States District Court for the Northern District of Georgia in favor of a preliminary injunction against enforcement of the Georgia Public Service Commission’s Order addressing the “new adds” provisions of the FCC’s TRRO. In addition, the parties are invited to provide briefing regarding how this Commission should interpret the trend of rulings on this issue from other states and the analyses used. Due to the current implementation deadline of April 17, the parties are directed to provide any briefs and proposed orders in written and electronic form by close of Commission business on Monday, April 11, 2005.

(SEAL)